GOVERNMENT OF INDIA
MINORITY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:1795
ANSWERED ON:27.07.2016
Waqf Board Properties
Kumar Shri Santosh

Will the Minister of MINORITY AFFAIRS be pleased to state:

(a) whether a number of commercial and residential properties of Waqf Boards have been encroached upon or sold illegally in various parts of the country;

(b) if so, the details thereof during each of the last three years and the current year, State-wise;

(c) the corrective steps taken by the Government in this regard;

(d) whether some reports of involvement of officials of the Waqf Board have come to the notice of the Government;

(e) if so, the details thereof and the corrective and remedial steps/action taken by the Government in this regard; and

(f) whether the Government proposes to bring amendments in Waqf Act, 1955 so as to give more powers to Waqf Board to deal with such issues and if so, the details thereof and if not, the reasons therefor?

Answer

MINISTER OF STATE (INDEPENDENT CHARGE) OF MINISTRY OF MINORITY AFFAIRS (SHRI MUKHTAR ABBAS NAQVI)

(a) to (e): According to Section 32(1) of the Waqf Act, 1995, the general superintendence of all Auqaf in a State shall vest in the Board established by the State/UT Government and it shall be the duty of the Board to exercise its power under this Act as to ensure that Auqaf under its superintendence are properly maintained, controlled and administered and the income thereof is duly applied to the objects and for the purposes for which such Auqaf were created and intended. Hence, the details of commercial and residential Properties of Waqf Boards illegally encroached upon or sold illegally in the various parts of the country are not maintained by the Central Government.

(f) : Government of India brought amendments in Waqf Act, 1995 by Waqf Amendment Act, 2013 which came into force w.e.f. 1/11/2013. Following major provisions have been added in the Waqf Act, 1995 through amendment to give more power to State/UT Waqf Boards to deal with encroachment and illegal sale of Waqf Properties:-
Definition of Encroacher has been added. State Government have been mandated to appoint Survey Commissioners and complete the survey of Waqf Properties. Alienation of Waqf Properties without the prior approval of the State/UT Waqf Board has been made punishable with rigorous imprisonment. Any offence of alienation of Waqf Property shall be cognizable and non-bailable. The Composition of Tribunal has been increased from one member to three members and the jurisdiction of Tribunal has also been extended by inclusion of disputes concerning the eviction of a tenant. No person shall sell, gift, exchange, mortgage or transfer any movable or immoveable property which is a Waqf Property to any other person.
No further amendments are proposed in Waqf Act, 1995 as amended.
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